

REMARKS

A. 35 U.S.C. § 103

1. Kumar et al. and Yang et al.

In the Office Action mailed on May 30, 2007, claims 1, 10, 11 and 37 were rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al. and Yang et al. In view of the cancellation of claim 1, its rejection has been rendered moot and should be withdrawn. Regarding the remaining claims, claims 10 and 37 have been amended so as to be dependent on claim 6, which has been indicated to contain allowable subject matter. Accordingly, the rejection of claims 10, 37 and claim 11, which depends on claim 10, has been overcome and should be withdrawn.

2. Kumar et al., Yang et al. and Kyodo

Claim 7 was rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al., Yang et al. and Kyodo. Claim 7 has been amended so as to be dependent on claim 6, which has been indicated to contain allowable subject matter. Accordingly, the rejection has been overcome and should be withdrawn.

3. Kumar et al., Yang et al. and Prather

Claim 8 was rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al., Yang et al. and Kyodo. Claim 8 has been amended so as to be dependent on claim 6, which has been indicated to contain allowable subject matter. Accordingly, the rejection has been overcome and should be withdrawn.

4. Kumar et al., Yang et al. and Unsworth et al.

Claim 12 was rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al., Yang et al. and Unsworth et al. Since claim 12 depends indirectly

on claim 6, which has been indicated to contain allowable subject matter, the rejection has been overcome and should be withdrawn.

5. Kumar, Yang, Unsworth et al. and O’Gorman et al.

Claim 17 was rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al., Yang et al., Unsworth et al. and O’Gorman et al. Since claim 17 depends indirectly on claim 6, which has been indicated to contain allowable subject matter, the rejection has been overcome and should be withdrawn.

Claim 17 has been amended to correct typographical errors in the claim. Since the amendments do not change the intended meaning or scope of claim 17, the amendments are not being made for reasons related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002) (hereinafter called *Festo I*).

6. Kumar et al., Yang et al. and Healy et al.

Claim 18 was rejected under 35 U.S.C. § 103 as being obvious in view of Kumar et al., Yang et al. and Healy et al. Claim 18 has been amended so as to depend on claim 6, which has been indicated to contain allowable subject matter. Accordingly, the rejection has been overcome and should be withdrawn.

B. Claims 2-6 and 9

Applicants note with appreciation that claims 2-6 and 9 have been indicated to contain allowable subject matter. Claim 6 has been amended so as to be independent form and so it should be allowed along with its dependent claims 3-5 and 9.

As noted above, claim 6 has been amended so as to be independent

form. To the extent that the amendment incorporates subject matter that was inherently present therein, the amendment is not being made for reasons related to patentability. *See, Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722 (2002).

Claims 3 and 4 have been amended so as to depend from claim 6 in order to provide additional coverage for the invention of claim 6. Accordingly, the amendment is not being made for reasons related to patentability as defined in *Festo I.*

C. Withdrawn Claims 13-16 and 19-36 and New Claims 38-59

Please note that withdrawn claims 13-16 and 19-36 have been canceled solely so as to reduce costs and to refile them as new claims 38-59, respectively, wherein new claims 38, 39, 41-43, 49 and 54 (text corresponding to claims 13, 14, 16, 19, 20, 26 and 31) now depend on allowed claim 6 instead of claim 1. Note that Applicant reserves the right to refile claims 13-16 and 19-36 in a divisional application. Based on the above comments, the cancellation of claims 13-16 and 19-36 is not being done for reasons related to patentability as defined in *Festo I.*

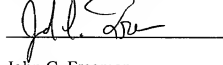
In addition, new claims 38-59 are being presented to provide additional coverage for the method of claim 6. Accordingly, the new claims are not being presented for reasons of patentability as defined in *Festo I.*

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 3-12, 17, 18 and 37-59 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be

helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'John C. Freeman', is written over a horizontal line.

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